

### EXAMINER'S AMENDMENT

1. This communication is responsive to the Board of Patent Appeals and Interferences decision rendered on 8/31/2010. An examiner Amendment to the record appears below. Should the changes and/or additions be unacceptable to the applicant, an amendment may be filed as provided by 37 C.F.R 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the Issue Fee.
2. Authorization for this Examiner's Amendment was given in a telephone interview with Mr. Kyle J. Way (Registration No. 45,549) on Sept. 14, 2010.

**3. Please amend the claims as follows:**

**21. (Currently Amended)** A software product, stored on a computer hardware, for operating a probe device for testing a broadband wireless system, the software product comprising:

probe device software operational when executed by a processor to direct the processor to receive an instruction into the probe device through a wireless broadband router coupled with the broadband wireless system to execute a plurality of tests, execute the plurality of tests to measure performance of the broadband wireless system based on the instruction, determine performance information from the plurality of tests, and store the performance information in a memory of the probe device, wherein the probe device and the wireless broadband router are located on a customer premises; and

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a software storage medium operational to store the probe device software.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sargon N. Nano whose telephone number is (571) 272-4007. The examiner can normally be reached Monday - Friday 8 AM - 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Sargon N Nano/

Examiner, Art Unit 2457

/Asad M Nawaz/

Supervisory Patent Examiner, Art Unit 2442